संख्या-6/259रिट/का-1-2013

प्रेषक,

एस0पी0 सिंह,
विशेष कार्याधिकारी,
कार्मिक विभाग,
उत्तर प्रदेश शासन।

सेवा में,

प्रमुख सचिव,
लघु सिंचाई विभाग,
उत्तर प्रदेश शासन।

कार्मिक अनुभाग-1 लखनऊ :: दिनांक 09 दिसम्बर, 2013

विषयः- रिट याचिका संख्या-985(एस0बी0)/2013 गोविन्द चन्द्र गुप्ता बनाम स्टेट आफ यू0पी0 व अन्य के सम्बंध में।

महोदय,

उपरोक्त विषयक अपर मुख्य स्थायी अधिवक्ता के पत्र संख्या-एन 14181/सिविल/लखनऊ/2013, दिनांक 18;11;2013 (छाया प्रति संलग्न) एवं कार्मिक अनुभाग-1 के पत्र दिनांक 15.10.2013 का कृपया सन्दर्भ ग्रहण करने का कष्ट करें।

2. प्रश्नगत रिट याचिका वाणिज्यकर अधिकारियों की ओर से योजित कतिपय रिट याचिकाओं यथा रिट याचिका संख्या-1300(एस0बी0)/2013 समीर कुमार श्रीवास्तव व अन्य बनाम् उ0प्र0 राज्य व अन्य तथा अन्य से सम्बद्ध कर दी गयी है, जिसमें अगली सुनवाई की तिथि 06.12.2013 निर्धारित की गयी है। अपर मुख्य स्थायी अधिवक्ता द्वारा प्राप्त निर्देशों के क्रम में प्रश्नगत रिट याचिका में सप्लीमेन्ट्री काउन्टर एफिडेविट सुनवाई की तिथि से पूर्व दाखिल किया जाना है।

3. अतः इस सम्बंध में मुझे यह कहने का निदेश हुआ है कि प्रश्नगत रिट याचिका में सप्लीमेन्ट्री काउन्टर एफिडेविट दाखिल किये जाने हेतु अग्रतर कार्यवाही करने का कष्ट करें। यदि सप्लीमेन्ट्री काउन्टर एफिडेविट दाखिल किये जाने हेतु किसी बिन्दु पर कार्मिक विभाग के परामर्श की आवश्यकता हो तो उसे ससमय प्राप्त कर लेंगे।

संलग्नक : यथोक्त।

भवदीय,
ह0/-
(एस0पी0 सिंह)
विशेष कार्याधिकारी।

संख्या-6/259रिट(1)/का-1-2013, तद्दिनांक

प्रतिलिपि, अपर मुख्य स्थायी अधिवक्ता, मा0 उच्च न्यायालय, लखनऊ बेंच, लखनऊ को सूचनार्थ प्रेषित।

आज्ञा से,
ह0/-
(एस0पी0 सिंह)
विशेष कार्याधिकारी।

http://shasanadesh.up.nic.in

ALLAHABAD HIGH COURT,
LUCKNOW BENCH, LUCKNOW.
*****

259/22/फा-1-13

FAX

To,

1. The Principal Secretary, Minor Irrigation,
   Govt. of U.P., Civil Secretariat,
   Lucknow.
2. The Principal Secretary, Appointment,
   Govt. of U.P., Civil Secretariat,
   Lucknow.
3. The Learned Advocate General,
   Uttar Pradesh.

Letter No. [illegible] */Civil/Lucknow/2013 - Dated :* 6/11 *2013*

Sub.: Writ Petition No. 985 (S/B) of 2013
"Govind Chandra Gupta Vs. State of U.P. & others"

Sir,

This is to inform you that in the aforesaid writ petition by means of an amendment in the prayer clause, Rule-4 of the U.P. Government Servants Regularization in Qualifying Service for Promotion (First Amendment) Rules, 2013, which gave the power to the Government to relax the period of qualifying service to any extent on the proposal being considered by a Committee of the Chief Secretary, Principal Secretary of the Administrative Department and the Principal Secretary of the Karmik Department, has been challenged, the Hon'ble Court has passed a detailed Interim Order on 04.07.2013, relevant portion of which is as under :

"In the present case, in spite of existence of old rules which permits the State to provide relaxation upto 50% further provision has been made acquiring unfettered power which goes upto 100% relaxation seems to be antithesis of rule of law and suffers from arbitrariness. No incumbent shall know where he stands and to what extent the Government may relax a rule to choose a person of its choice . Mere hardship does not empower the State Government to take decision against the constitutional mandate. Age old saying that "power corrupts and absolute power corrupts absolutely" should not be forgotten. Hence, we admit the writ petition. We also stay the further operation and implementation of the impugned amended rules namely; U.P. Government Servants Relaxation in Qualifying Service (First Amendment) Rules, 2013 notified on 24.04.2013 (as contained in Annexure no.1 to the writ petition) till further orders. Let notice be issued to the learned Advocate General ."

The aforesaid writ petition has been connected to writ petitions filed by Commercial Tax Officers namely Writ Petition No. 1300 (S/B) of 2013 , 1354 (S/B) of 2013 and 1286 (S/B) of 2013 and the matter is regularly coming for hearing before the Hon'ble Court No.01. For the writ petitions filed by Commercial Tax Officers, difficulty faced by all other departments including Commercial Tax Department, have been mentioned because of the stay the Amendment Rules of 2013. The Hon'ble Court had connected the matters and had directed that the State may come prepared to argue on merits of the case finally on the next date of hearing and the interim order granted on 04.07.2013 was affecting promotions in all departments of the State. The matter is now listed on 20.11.2013.

Please request the Ld. Advocate General, U.P. to appear as the Hon'ble Court has already issued notices to him in the matter.

Yours Faithfully,

Sangeeta Chandra.

(Smt. Sangeeta Chandra)
Addl. Chief Standing Counsel

18.11.13